

EXTRAORDINARY

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GOVERNMENT OF BALUCHISTAN

## LAW DEPARTMENT

NOTIFICATION

Quetta, July 6, 1971.

No. Leg: 1-9-Law/1. The following Ordinance by the Governor of Baluchistan is hereby published for general information:—

**BALUCHISTAN ORDINANCE No. IX OF 1971.**

*BALUCHISTAN SEA FISHERIES ORDINANCE, 1971*

**AN ORDINANCE  
TO REGULATE  
SEA-FISHERIES IN BALUCHISTAN**

WHEREAS it is expedient to consolidate and amend the law relating to Sea Fisheries in Baluchistan;

NOW, THEREFORE, in pursuance of the proclamation of the 25th day of March 1969, read with the Provisional Constitution Order, 1969, and in exercise of all other powers enabling him in that behalf, the Governor of Baluchistan is pleased to make and promulgate the following ordinance, namely:-

Short title, extent and Commencement.

1. (1) This Ordinance may be called the Baluchistan Sea Fisheries Ordinance, 1971.
- (2) It extends to:-
  - a) The Baluchistan Province, except the tribal areas; and
  - b) The territorial waters of Pakistan along the coast of Baluchistan Province.
- (3) It shall come into force at once; Provided that section 7 of this Ordinance shall come into force on such date or dates as the Provincial Government may in the official gazette appoint in this behalf.

Definitions.

2. In this Ordinance unless there is anything repugnant in the subject or context:-
  - a) 'Baluchistan waters' means Pakistan waters along the coast of Baluchistan Province;
  - b) 'Fish' includes, molluscs, crustaceans, kelp and other marine animals;
  - c) 'Fishery' means the area, locality, place or station in or on which any fishing gear is used, set, placed or located, and the areas, tract or stretch of water in or from which fish may be taken or caught by such gear;
  - d) 'Fishery Officer' means any person who is authorised by the Government of Baluchistan, by notification in the official Gazette, to carry out all or any of the purposes of this Ordinance;
  - e) 'Fishing' means the taking or catching of fish by any means in Baluchistan waters, but does not include fishing for sport by rod and line or fishing in fresh waters;

- f) 'Fishing craft' includes every vessel of whatever description and in whatever way propelled, which is used by any person for fishing;
- g) 'Fishing gear' includes all appliances used for fishing;
- h) 'Fishing vessel' includes fishing craft and vessels used for the transport or processing of fish;
  - i) 'Government' means the Government of Baluchistan;
  - ii) 'Licencing authority' means any person authorised by the Government of Baluchistan by order in writing to issue licences under this Ordinance or the rules made thereunder;
- k) 'Pakistan waters' means the body of water extending from the Pakistan shore to the territorial limits notified as such by the Government of Pakistan in the official Gazette and includes, bays, inlets and creeks;
- l) 'Prescribed' means prescribed by rules made under this Ordinance;
- m) 'Processing' means freezing, canning, filleting, radiolisation, chilling, smoking, extraction of oil, conversion into fish-meal and includes any other process for the preparation of fish or fish by-products for export or local consumption.

proceeding of fishing  
all and gear

3. No person shall operate any fishing craft or use any fishing gear in Baluchistan waters without a licence in the prescribed form issued by the licencing authority for each fishing craft.

location of nets  
and traps

(1) The location of nets and traps set by a fishing craft in Baluchistan waters shall be displayed by such means as may be prescribed.

(2) Every fishing gear shall be clear of navigational channels.

catching of fish  
hooked

5. No person shall wilfully or otherwise use dynamite or any other explosive substance, or poison, lime or any other noxious material for fishing or destroying fish or plankton in Baluchistan waters.

no persons  
to operate

6. The Baluchistan Government may by notification in the official gazette declare any period to be a closed period during which, and any area to be a prohibited area within which, operation of any specified fishing craft, using, setting or placing of specified fishing gear, for catching fish of specified description, shall be prohibited.

Arrest without  
warrant.

7. A fishery officer may, without any order from Magistrate and without warrant arrest any person:-

- (1) Operating a fishing craft in Baluchistan waters without a valid licence granted under section 3; or
- (2) Refusing to produce on demand such licence.

Inspection by  
Fishery Officer.

8. A Fishery Officer may inspect any fishing vessel or fishing gear or fish processing plant to ensure the observance of the provisions of this Ordinance and the rules made thereunder.

Penalty:

9. Whoever contravenes any provisions of this Ordinance or of the rules made thereunder, shall be punishable with simple imprisonment which may extend to one month or with fine which may extend to five thousand rupees or with both.

Habitual offender.

10. A habitual offender shall, on subsequent conviction, be liable to the confiscation and forfeiture of his fishing craft and fishing gear, or to the suspension of his licence.

Explanation:- For the purposes of this section a person convicted of an offence under this ordinance or the rules made thereunder on more than 3 occasions, unless a year has elapsed since the last such commission, shall be deemed to be a habitual offender.

Liability of servant  
or agent.

11. Where the person contravening any provisions of this Ordinance or of the rules made thereunder is a firm or body corporate, the managing director, manager, secretary agent or servant of the firm or body corporate shall be deemed to be guilty of such contravention unless he proves that the contravention has been committed without his knowledge.

Liability of Owner.

12. The owner of any fishing vessel carrying any thing, in respect of which contravention of any of the provisions of this ordinance, or of the rules made thereunder, has been committed, shall be deemed to have contravened the provisions of this ordinance or of the rules framed thereunder, as the case may be:

- (1) If such carriage is a part of the transaction involving the contravention; and
- (2) If the owner knew or had reason to believe that a contravention was being committed.

Court Jurisdiction.

13. For purposes of giving jurisdiction to courts under this Ordinance a fishing vessel shall be deemed to be a ship within the meaning of any enactment for the time being in force relating to offences committed on board a ship, and every court shall have the same jurisdiction over a foreign fishing vessel within Baluchistan waters, and

persons aboard such vessel, as such court would have if such vessel were to be a Pakistan fishing vessel.

14. (1) No suit, prosecution or other legal proceedings shall lie against any person for anything which is, in good faith, done or intended to be done in pursuance of this Ordinance or of any rule or order, made thereunder.

(2) No suit, or other legal proceedings shall lie against the Government for any damage caused or likely to be caused by anything, in good faith, done or intended to be done in pursuance of this Ordinance or any rules or order made thereunder.

15. A Fishery Officer may require, in writing, the assistance of a police officer in enforcing the provisions of this Ordinance or of the rules framed thereunder, whereupon such Police Officer shall provide all due assistance.

16 (1) The Provincial Government may by notification in the official gazette declare the courts or classes of courts in which offenders under this Ordinance, and the rules framed thereunder, shall be prosecuted and tried.

(2) Notwithstanding anything contained in sub-section (1) of section 32 of the Code of Criminal Procedure, 1898 (Act V of 1898), the courts notified under the preceding sub section may pass the maximum sentence provided by this Ordinance.

17. (1) The Government may by notification in the official gazette make rules for carrying into effect the purposes of this Ordinance.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may:-

- (a) Prescribe the size of meshes and the size and type of nets to be used for fishing;
- (b) Prescribe the size and quantity of fish which may be caught by any fishing gear, or processed at any time;
- (c) Prescribe terms and conditions on which a fishing licence may be issued;
- (d) Provide for the registration of fishing craft and fishing gear;
- (e) Specify the areas for landing and processing of fish;
- (f) Provide for the collection, accounting and deposit of fees, kittis and Government dues;

shall be  
done in good

shall be  
done by  
the Officer.